



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MITCHELL SILBERBERG & KNUPP LLP  
11377 WEST OLYMPIC BLVD  
LOS ANGELES CA 90064

**COPY MAILED**

**APR 10 2006**

**OFFICE OF PETITIONS**

In re Application	:	
Phillips, et al.	:	
Application No. 09/615,026	:	DECISION ON PATENT TERM
Filed: July 13, 2000	:	ADJUSTMENT
Attorney Docket No. 35512-35	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT", filed February 16, 2006, requesting correction of the patent term adjustment (PTA) from two hundred sixty-one (261) days to three hundred forty-two (342) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **three hundred forty-two (342) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 14, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred sixty-one (261) days. On February 16, 2006, Applicants timely<sup>1</sup> submitted the instant application for patent term adjustment, asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is three hundred forty-two (342) days.

Applicants assert entitlement to a patent term adjustment of three hundred forty-two (342) days on the basis that the PTO improperly assessed Applicants a delay of eighty-two (81) days for filing an Information Disclosure Statement on March 18, 2005, after Applicants had filed a response on December 27, 2004.

Applicants state that the patent issuing from the application is subject to a terminal disclaimer.

The Office initially determined a patent term adjustment of two hundred sixty-one (261) days based on an adjustment for PTO delay of three hundred sixty-nine (369) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) and three (3) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. 1.703(a)(2), reduced by Applicants' delays of ten (10), five (5), five (5), five (5) and five (5) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b) and eighty-one (81) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(8). The adjustment of 81 days is at issue.

The application file is the official file of record. A review of the file fails to reveal an IDS filed on March 18, 2005. Accordingly, as no IDS was filed, applicant delay of eighty-one (81) days is unwarranted.

Accordingly, the correct determination of PTA at the time of mailing of the Notice of Allowance is **three hundred forty-two (342) days** (372 (369+3) days of PTO delay reduced by 30 (37+91) days of applicant delay).

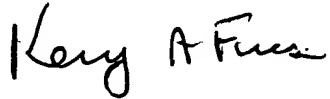
Receipt of the \$200 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

---

<sup>1</sup> Applicants filed the application for patent term adjustment together with the filing of the issue fee.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

A handwritten signature in black ink that reads "Kery A. Fries". The signature is written in a cursive, slightly slanted style.

Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enc: updated PAIR screen

Day : Sunday  
Date: 4/9/2006  
Time: 11:09:51

# PALM INTRANET

PTA Calculations for Application: 09/615026					
Application Filing Date:		07/13/2000	PTO Delay (PTO):		372
Issue Date of Patent:			Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		111
Post-Issue Petitions:		0	Total PTA (days):		342
PTO Delay Adjustment:		81			
File Contents History					
Number	Date	Contents Description	PTO	APPL	START
70	04/09/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	81		
61	11/14/2005	MAIL NOTICE OF ALLOWANCE			
60	10/30/2005	ISSUE REVISION COMPLETED			
59	10/30/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
58	10/30/2005	NOTICE OF ALLOWABILITY			
56	09/13/2005	NOTICE OF APPEAL FILED			
55	06/13/2005	MAIL NON-FINAL REJECTION			
54	06/09/2005	NON-FINAL REJECTION			
53	05/17/2005	MAIL ADVISORY ACTION (PTOL - 303)			
52	05/13/2005	ADVISORY ACTION (PTOL-303)			
51	05/11/2005	DATE FORWARDED TO EXAMINER			
50	05/06/2005	AMENDMENT AFTER FINAL REJECTION			
49	04/11/2005	REQUEST FOR REFUND			
48	04/11/2005	MAIL FINAL REJECTION (PTOL - 326)			
47	03/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		81	42
46	04/10/2005	FINAL REJECTION			
45	04/10/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
44	03/18/2003	LETTER REQUESTING INTERVIEW WITH EXAMINER			
43	03/22/2005	DATE FORWARDED TO EXAMINER			
42	12/27/2004	RESPONSE AFTER NON-FINAL ACTION		5	39
41	02/28/2005	CORRESPONDENCE ADDRESS CHANGE			
40	12/27/2004	WORKFLOW INCOMING AMENDMENT IFW			
39	09/22/2004	MAIL NON-FINAL REJECTION			
38	09/19/2004	NON-FINAL REJECTION			

37	08/15/2004	DATE FORWARDED TO EXAMINER			
36	08/02/2004	APPEAL BRIEF FILED			
35	08/15/2004	DATE FORWARDED TO EXAMINER			
34	08/02/2004	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
33	08/02/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	07/30/2004	WORKFLOW INCOMING AMENDMENT IFW			
29	05/03/2004	NOTICE OF APPEAL FILED		5	28
28	01/28/2004	MAIL FINAL REJECTION (PTOL - 326)			
27	01/26/2004	FINAL REJECTION			
26	12/30/2003	DATE FORWARDED TO EXAMINER			
25	12/16/2003	RESPONSE AFTER NON-FINAL ACTION		5	24
24	09/11/2003	MAIL NON-FINAL REJECTION	3		19
23	06/12/2003	NON-FINAL REJECTION			
22	05/13/2003	DATE FORWARDED TO EXAMINER			
21	05/08/2003	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
20	05/13/2003	DATE FORWARDED TO EXAMINER			
19	05/08/2003	REQUEST FOR CONTINUED EXAMINATION (RCE)		5	14
18	05/13/2003	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
17	05/08/2003	WORKFLOW - REQUEST FOR RCE - BEGIN			
16	03/31/2003	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
15	03/24/2003	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
14	02/03/2003	MAIL FINAL REJECTION (PTOL - 326)			
13	01/30/2003	FINAL REJECTION			
12	01/27/2003	DATE FORWARDED TO EXAMINER			
11	12/27/2002	RESPONSE AFTER NON-FINAL ACTION		10	9
10	10/04/2002	CASE DOCKETED TO EXAMINER IN GAU			
9	09/17/2002	MAIL NON-FINAL REJECTION	369		-1
8	09/09/2002	NON-FINAL REJECTION			
7	08/16/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	05/21/2002	CASE DOCKETED TO EXAMINER IN GAU			
5	12/01/2000	CASE DOCKETED TO EXAMINER IN GAU			
4	08/30/2000	APPLICATION DISPATCHED FROM OIPE			

3	08/29/2000	CORRESPONDENCE ADDRESS CHANGE			
2	08/07/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/13/2000	INITIAL EXAM TEAM NN			

Search Another: Application#

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | [Home page](#)